

In the Matter of EMPIRE STEEL CASTINGS, INC. and UNITED STEEL-
WORKERS OF AMERICA AFFILIATED WITH THE C. I. O.

Case No. 4-R-1222.—Decided November 12, 1943

Mr. Harry W. Lee, of Reading, Pa., for the Company.

*Messrs. Andrew Kondrath and James Yost, of Reading, Pa., for
the Union.*

Mrs. Augusta Spaulding, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Steelworkers of America, affiliated with the C. I. O.,¹ herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Empire Steel Castings, Inc., Temple, Pennsylvania, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert H. Kleeb, Trial Examiner. Said hearing was held at Reading, Pennsylvania, on October 26, 1943. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Empire Steel Castings, Inc., is engaged in the manufacture of steel castings in the borough of Laureldale, Berks County, Pennsylvania.

¹The petition and all other formal papers were amended at the hearing to show the correct name of the petitioning union.

During the year 1942 the Company purchased raw materials valued at \$500,000 or more, of which 16 percent represented materials brought to its plant from points outside Pennsylvania. During the same period the Company finished at its plant products valued at \$500,000 or more, of which 42 percent represented products shipped from its plant to points outside Pennsylvania.

The Company admits that it is engaged in commerce, within the meaning of the National Labor-Relations Act.

II. THE ORGANIZATION INVOLVED

United Steelworkers of America is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

On or about August 9, 1943, the Union asked the Company for a bargaining conference, alleging that the Union represented a majority of the Company's employees. On or about August 10, 1943, at a conference between the Company and the Union, the Company expressed doubt of the Union's majority and indicated that the matter should be determined by the Board. On August 10, 1943, the Union filed the petition in this proceeding.

A statement prepared by the Regional Director and introduced into evidence at the hearing indicates that the Union represents a substantial number of employees in the unit herein found appropriate for bargaining.²

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

IV. THE APPROPRIATE UNIT

The parties agree, and we find, that all production and maintenance employees of the Company, excluding foremen, assistant foremen, non-working supervisors, full-time guards, and all salaried employees, should be included in the bargaining unit. In accordance with our usual practice, we shall exclude from the bargaining unit all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or to recommend such action effectively.

² The Union submitted 89 authorization cards, all of which appear to bear genuine signatures of employees on the Company's pay roll of October 10, 1943. Of the cards submitted by the Union, 10 were undated, 43 dated in July, and 36 in August 1943.

There are approximately 158 employees in the appropriate unit.

We find that all production and maintenance employees of the Company, excluding foremen, assistant foremen, non-working supervisors, full-time guards, salaried employees, and all supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation, which has arisen be resolved by an election by secret ballot among the employees of the Company in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended; it is hereby

DIRECTED, that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Empire Steel Castings, Inc., Temple, Pennsylvania, an election by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fourth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees of the Company in the unit found appropriate in Section IV; above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding employees who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election; to determine whether or not they desire to be represented by United Steelworkers of America, affiliated with the C. I. O., for the purposes of collective bargaining.